

MARK J. BENNETT 2672
Attorney General of Hawaii

2010 APR 12 AM 11:38

J. GERARD LAM 5326
Deputy Attorney General
Department of Attorney
General, State of Hawaii
Labor Division
425 Queen Street
Honolulu, Hawaii 96813
Telephone: 586-1450

HAWAII LABOR
RELATIONS BOARD

Attorneys for Director of Labor
and Industrial Relations

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. OSH 2010-3
)	(Inspection No. 313077091)
DIRECTOR, DEPARTMENT OF LABOR)	
AND INDUSTRIAL RELATIONS,)	STIPULATION AND SETTLEMENT
)	AGREEMENT; EXHIBIT A; APPROVAL
Complainant,)	AND ORDER
)	
vs.)	
)	
PLEASANT TRAVEL SERVICE dba)	
ROYAL KONA RESORT,)	
)	
Respondent.)	

STIPULATION AND SETTLEMENT AGREEMENT

Complainant Director of Labor and Industrial Relations ("Director") and
Respondent PLEASANT TRAVEL SERVICE dba ROYAL KONA RESORT ("Respondent")
having reached a full and complete settlement of the above-captioned contested case presently
pending before the Hawaii Labor Relations Board ("Board") stipulate and agree as follows:

On or about June 3, 2009, the Director, by and through the State of Hawaii's Occupational Safety and Health Division ("HIOSH"), inspected Respondent's workplace located at 75-5852 Alii Drive, Kailua-Kona, Hawaii 96740.

As a consequence of said inspection, the Director, through HIOSH's Administrator, issued a Citation and Notification of Penalty on November 30, 2009 ("Citation") to Respondent alleging violations of the Hawaii Occupational Safety and Health Standards and assessed an aggregate penalty of \$4,675.00. *See* Exhibit A.

Respondent timely contested the Citation.

THEREFORE, to avoid the expense of litigation and to compromise and settle the above-captioned case, the parties, by and through their respective representatives, stipulate and agree as follows:

1. The Board has jurisdiction over this contested case pursuant to section 396-11, Hawaii Revised Statutes ("HRS").
2. At all relevant times, Respondent maintained a workplace at 75-5852 Alii Drive, Kailua-Kona, Hawaii 96740.
3. At all relevant times, Respondent was an employer, as defined in HRS § 396-3, and employed employees, as defined in HRS § 396-3, and was therefore subject to the requirements of HRS chapter 396, the Hawaii Occupational Safety and Health Law.
4. Respondent agrees that it has or will abate each violation listed in the Citation in compliance with the abatement requirements under Hawaii Administrative Rule § 12-51-22. Respondent shall submit the completed abatement certification to HIOSH not more than ten (10) days after this Stipulation and Settlement Agreement ("Agreement") is filed; failure to timely do so may result in additional penalties or follow up inspections.

5. The violations and corresponding characterizations as stated in the Citation are affirmed. *See Exhibit A.*

6. Based on the reductions noted below, the Director reduces Respondent's aggregate penalty from \$4,675.00 to \$4,083.75, which Respondent shall pay in full to the Director of Finance not more than ten (10) days after this Agreement is filed; Respondent shall send its payment to the Director's attorneys:

- a. Citation 1, Item 1 from \$1,100.00 to \$935.00;
- b. Citation 1, Item 2 from \$1,100.00 to \$990.00;
- c. Citation 1, Items 3a-c from \$1,100.00 to \$990.00; and
- d. Citation 1, Item 4 from \$1,375.00 to \$1,168.75.

7. Except for the stipulated amendments described above, the Citation is confirmed in all other respects and upon approval by the Board, this Agreement and the Citation, as amended, shall become a final order of the Director.

8. Respondent shall post a copy of this Agreement and Order in a prominent place at or near the location of the posting of the Citation, and the Agreement and Order shall remain posted for three working days (excluding weekends and State holidays).

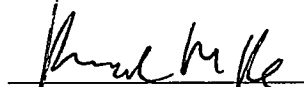
9. Respondent shall continue to comply with HRS chapter 396, the Hawaii Occupational Safety and Health Law, and the related rules.

10. Nothing in this Agreement shall bar the Director from taking any action regarding future acts or practices by Respondent which may be alleged to violate HRS chapter 396, the Hawaii Occupational Safety and Health Law, or the related rules.

11. The Parties agree that upon the approval of this Agreement by the Board, the Board shall dismiss this case and Respondent's appeal.

DATED: Honolulu, Hawaii, April 12, 2010.

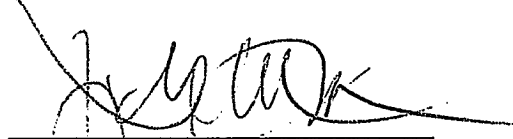
APPROVED AS TO FORM:


RICHARD M. RAND, ESQ.
Attorney for Respondent

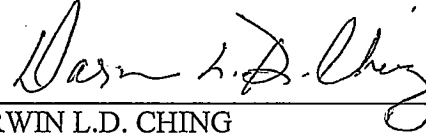
PLEASANT TRAVEL SERVICE dba
ROYAL KONA RESORT

By: 
It ROYAL KONA RESORT - GM

APPROVED AS TO FORM:


J. GERARD LAM
Deputy Attorney General
Attorney for Director of Labor and
Industrial Relations, State of Hawaii

DIRECTOR OF LABOR AND
INDUSTRIAL RELATIONS


DARWIN L.D. CHING

APPROVED AND SO ORDERED BY
HAWAII LABOR RELATIONS BOARD:

ORDER NO. 384

DATED: April 12, 2010


JAMES B. NICHOLSON, Chair


SARAH R. HIRAKAMI, Member

In re: Director, Dept. Of Labor And Indus. Relations v. Pleasant Travel Service dba Royal Kona Resort, Case No. OSH 2010-3, Stipulation And Settlement Agreement; Exhibit "A"; Approval And Order.

State of Hawaii

Department of Labor and Industrial Relations
HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION
830 PUNCHBOWL STREET, ROOM 425
HONOLULU, HI 96813
Phone: (808)586-9110 FAX: (808)586-9104



Certified Number: 7006 2150 0004 4122 1348

Citation and Notification of Penalty

To:

Pleasant Travel Service dba Royal Kona Resort
and its successors
75-5852 Alii Dr
Kailua Kona, HI 96740

Inspection Number: 313077091 (Charles Clark)
Inspection Date(s): 06/03/2009- 06/03/2009
Issuance Date: 11/30/2009
OSHC ID: X8851
Optional Report No.: 05509
Inspection Type: Complaint
Scope of Inspection: Comprehensive Inspection

Inspection Site:
75-5852 Alii Dr
Kailua Kona, HI 96740

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty describes violations of the Hawaii Occupational Safety and Health Law. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties, unless within 20 calendar days from your receipt of this Citation and Notification of Penalty, you mail a notice of contest to the State of Hawaii Occupational Safety and Health Division (HIOSH) at the address shown above. Please refer to the enclosed booklet (Employer Rights and Responsibilities Following a HIOSH Inspection) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Law has occurred unless there is a failure to contest as provided for in the Law or, if contested, unless this Citation is affirmed by the Hawaii Labor Relations Board (HLRB) or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and State holidays), whichever is longer. The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Administrator during the 20 calendar day contest period. During such an informal conference, you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Administrator within 20 calendar days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the page 5, Notice to Employees, next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Employers' Right to Contest - You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Administrator in writing that you intend to contest the citation(s) and/or penalty(ies) within 20 calendar days after receipt, the citation(s) and the penalty(ies) will become a final order of the Department of Labor and Industrial Relations and may not be reviewed by any court or agency. Once a letter of contest is received, it becomes the jurisdiction of the HLRB.

Penalty Payment - Penalties are due within 20 calendar days of receipt of this notification unless contested. Make your check or money order payable to "Director of Budget and Finance." Please indicate the Inspection Number on the remittance.

HIOSH does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Notification of Corrective Action - For each violations which you do not contest, you are required by Section 12-51-22 to submit an Abatement Certification to HIOSH. The certification must be sent by you within 5 calendar days of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

All abatement verification documents must contain the following information: 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by Section 12-51-22 to be sent to HIOSH, also be posted at the location where the violation appeared and the corrective action took place.

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 60 days after the discrimination occurred with the Hawaii Occupational Safety and Health Division at the address shown above.

Employer Rights and Responsibilities - The enclosed booklet (Employer Rights and Responsibilities Following a HIOSH Inspection) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Employees' Right to Contest - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the Hawaii Occupational Safety and Health Division at the address shown above and postmarked within 20 calendar days of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data - You should be aware that OSHA publishes information on inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at WWW.OSHA.GOV. If you have any dispute with the accuracy of the information displayed, please contact this office.

ABATEMENT CERTIFICATION

DARWIN L.D. CHING, DIRECTOR
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION
830 PUNCHBOWL STREET, ROOM 425
HONOLULU, HI 96813

Pleasant Travel Service dba Royal Kona Resort
75-5852 Alii Dr
Kailua Kona, HI 96740

The hazard referenced in Inspection Number 313077091 for the violation identified as
Citation 1 and Item 2 was corrected on June 8, 2009.
How corrected: Construct + implement NEW RAILING - Picture attached

The hazard referenced in Inspection Number 313077091 for the violation identified as
Citation 1 and Item 3A was corrected on 12-4-2009.
How corrected: MAXIMUM LOAD MARKING etched on Forklift - Picture Attached

The hazard referenced in Inspection Number 313077091 for the violation identified as
Citation 1 and Item 3B was corrected on _____.
How corrected: TRAINING + Certification scheduled

The hazard referenced in Inspection Number 313077091 for the violation identified as
Citation 1 and Item 3C was corrected on 7-6-2009.
How corrected: Certified mechanic - DOCUMENTATION attached with picture

The hazard referenced in Inspection Number 313077091 for the violation identified as
Citation 1 and Item 3D was corrected on 7-6-2009.
How corrected: Certified mechanic - DOCUMENTATION attached

I attest that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement activities described in this certification.

Terry Bridges
Signature
Terry Bridges
Typed or Printed Name

ABATEMENT CERTIFICATION

DARWIN L.D. CHING, DIRECTOR
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION
830 PUNCHBOWL STREET, ROOM 425
HONOLULU, HI 96813

Pleasant Travel Service dba Royal Kona Resort
75-5852 Alii Dr
Kailua Kona, HI 96740

The hazard referenced in Inspection Number 313077091 for the violation identified as
Citation 2 and Item 1 was corrected on Sept. 2, 2009.
How corrected: Implement annual training inspection - documentation Attached

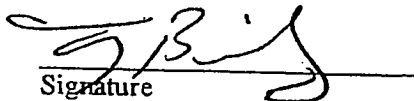
The hazard referenced in Inspection Number 313077091 for the violation identified as
Citation 2 and Item 3 was corrected on 12-3-2009.
How corrected: New panel schedule made + Attached - pictures Attached.

The hazard referenced in Inspection Number 313077091 for the violation identified as
Citation 2 and Item 2.A was corrected on Sept. 11, 2009.
How corrected: Coverers replaced with new covers - pictures Attached

The hazard referenced in Inspection Number 313077091 for the violation identified as
Citation 2 and Item 4 was corrected on JUNE 8, 2009.
How corrected: All Material Removed + stored at another location - picture Attached

The hazard referenced in Inspection Number 313077091 for the violation identified as
Citation 2 and Item 2.B was corrected on 12-3-2009.
How corrected: Rust removed + covers repaired - pictures Attached.

I attest that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement activities described in this certification.


Signature

Terry Bridges
Typed or Printed Name

State of Hawaii

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with HIOSH to discuss the citation(s) issued on 11/30/2009. The conference will be held at the HIOSH office located at 830 PUNCHBOWL STREET, ROOM 425, HONOLULU, HI, 96813 on _____ at _____.

Employees and/or representatives of employees have a right to attend an informal conference.

State of Hawaii
Department of Labor and Industrial Relations
Hawaii Occupational Safety And Health Division

Inspection Number: 313077091
Inspection Dates: 06/03/2009 - 06/03/2009
Issuance Date: 11/30/2009



Citation and Notification of Penalty

Company Name: Pleasant Travel Service dba Royal Kona Resort
Inspection Site: 75-5852 Alii Dr, Kailua Kona, HI 96740

Citation 1 Item 1 Type of Violation: **Serious**

29 CFR 1910.22(b)(1) [Refer to chapter 12-72.1, HAR] was violated because:

Two rubber floor mats cut and modified from the original mats created a slip and fall hazard to the employees working in the area. The mats easily slipped when stepped on.

29 CFR 1910.22(b)(1) states "Where mechanical handling equipment is used, sufficient safe clearances shall be allowed for aisles, at loading docks, through doorways and wherever turns or passage must be made. Aisles and passageways shall be kept clear and in good repairs, with no obstruction across or in aisles that could create a hazard."

Location: Kitchen Prep area by Hot Steam kettles

Date By Which Violation Must be Abated:
Penalty:

Corrected
\$ 1,100.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of Hawaii
Department of Labor and Industrial Relations
Hawaii Occupational Safety And Health Division

Inspection Number: 313077091
Inspection Dates: 06/03/2009 - 06/03/2009
Issuance Date: 11/30/2009



Citation and Notification of Penalty

Company Name: Pleasant Travel Service dba Royal Kona Resort
Inspection Site: 75-5852 Alii Dr, Kailua Kona, HI 96740

Citation 1 Item 2 Type of Violation: **Serious**

29 CFR 1910.23(c)(1) [Refer to chapter 12-72.1, HAR] was violated because:

A three foot wide section of a storage mezzanine that was eight feet above the lower level was not provided with a mid railing. The lack of a mid railing exposed employees to potential serious injuries due to fall hazards.

29 CFR 1910.23(c)(1) states "Every open-sided floor or platform 4 feet or more above adjacent floor or ground level shall be guarded by a standard railing (or the equivalent as specified in paragraph (e)(3) of this section) on all open sides except where there is entrance to a ramp, stairway, or fixed ladder. The railing shall be provided with a toeboard wherever, beneath the open sides,

- (i) Persons can pass,
- (ii) There is moving machinery, or
- (iii) There is equipment with which falling materials could create a hazard."

Location: Purchasing Department Storage Mezzanine

Date By Which Violation Must be Abated:

12/08/2009

Penalty:

\$ 1,100.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of Hawaii
Department of Labor and Industrial Relations
Hawaii Occupational Safety And Health Division

Inspection Number: 313077091
Inspection Dates: 06/03/2009 - 06/03/2009
Issuance Date: 11/30/2009



Citation and Notification of Penalty

Company Name: Pleasant Travel Service dba Royal Kona Resort
Inspection Site: 75-5852 Alii Dr, Kailua Kona, HI 96740

The alleged violations below (3a-3d) have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 3a Type of Violation: **Serious**

29 CFR 1910.178(a)(6) [Refer to chapter 12-73.1, HAR]

A Clark forklift was not provided with any load capacity markings.

29 CFR 1910.178(a)(6) states "The user shall see that all nameplates and markings are in place and are maintained in a legible condition."

Location: Establishment

Date By Which Violation Must be Abated:
Penalty:

01/04/2010
\$ 1,100.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of Hawaii
Department of Labor and Industrial Relations
Hawaii Occupational Safety And Health Division

Inspection Number: 313077091
Inspection Dates: 06/03/2009 - 06/03/2009
Issuance Date: 11/30/2009



Citation and Notification of Penalty

Company Name: Pleasant Travel Service dba Royal Kona Resort
Inspection Site: 75-5852 Alii Dr, Kailua Kona, HI 96740

Citation 1 Item 3b Type of Violation: **Serious**

29 CFR 1910.178(l)(1)(ii) [Refer to chapter 12-73.1, HAR] was violated because:

The operators of a Clark Forklift did not complete the required forklift training.

29 CFR 1910.178(l)(1)(ii) states "Prior to permitting an employee to operate a powered industrial truck (except for training purposes), the employer shall ensure that each operator has successfully completed the training required by this paragraph (l), except as permitted by paragraph (l)(5)."

Location: Establishment

Date By Which Violation Must be Abated:

01/04/2010

Citation 1 Item 3c Type of Violation: **Serious**

29 CFR 1910.178(p)(1) [Refer to chapter 12-73.1, HAR] was violated because:

The operator's seat on a Clark forklift was not secured to the base.

29 CFR 1910.178(p)(1) states "If at any time a powered industrial truck is found to be in need of repair, defective, or in any way unsafe, the truck shall be taken out of service until it has been restored to safe operating condition."

Location: Establishment

Date By Which Violation Must be Abated:

01/04/2010

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of Hawaii

Department of Labor and Industrial Relations
Hawaii Occupational Safety And Health Division

Inspection Number: 313077091

Inspection Dates: 06/03/2009 - 06/03/2009

Issuance Date: 11/30/2009



Citation and Notification of Penalty

Company Name: Pleasant Travel Service dba Royal Kona Resort
Inspection Site: 75-5852 Alii Dr, Kailua Kona, HI 96740

Citation 1 Item 3d Type of Violation: **Serious**

29 CFR 1910.178(q)(7) [Refer to chapter 12-73.1, HAR] was violated because:

The horn on a Clark forklift was not operable.

29 CFR 1910.178(q)(7) states "Industrial trucks shall be examined before being placed in service, and shall not be placed in service if the examination shows any condition adversely affecting the safety of the vehicle. Such examination shall be made at least daily.

Where industrial trucks are used on a round-the-clock basis, they shall be examined after each shift. Defects when found shall be immediately reported and corrected."

Location: Establishment

Date By Which Violation Must be Abated:

01/04/2010

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of Hawaii
Department of Labor and Industrial Relations
Hawaii Occupational Safety And Health Division

Inspection Number: 313077091
Inspection Dates: 06/03/2009 - 06/03/2009
Issuance Date: 11/30/2009



Citation and Notification of Penalty

Company Name: Pleasant Travel Service dba Royal Kona Resort
Inspection Site: 75-5852 Alii Dr, Kailua Kona, HI 96740

Citation 1 Item 4 Type of Violation: **Serious**

29 CFR 1910.304(g)(5) [Refer to chapter 12-89.1, HAR] was violated because:

- A) A 3-wire Equa Heat food Warmer was missing the ground pin on the attachment plug.
- B) A 3-wire Hatco 24/7 Warmer Drawer was missing the ground pin on the attachment plug.

29 CFR 1910.304(g)(5) states "Grounding path. The path to ground from circuits, equipment, and enclosures shall be permanent, continuous, and effective."

Location: Kitchen

Date By Which Violation Must be Abated:
Penalty:

Corrected
\$ 1,375.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of Hawaii
Department of Labor and Industrial Relations
Hawaii Occupational Safety And Health Division

Inspection Number: 313077091
Inspection Dates: 06/03/2009 - 06/03/2009
Issuance Date: 11/30/2009



Citation and Notification of Penalty

Company Name: Pleasant Travel Service dba Royal Kona Resort
Inspection Site: 75-5852 Alii Dr, Kailua Kona, HI 96740

Citation 2 Item 1 Type of Violation: Other

29 CFR 1910.147(c)(6)(i) [Refer to chapter 12-67.2, HAR] was violated because:

No periodic inspection of the energy control procedures was conducted.

29 CFR 1910.147(c)(6)(i) states "Periodic inspection.

- (i) The employer shall conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirements of this standard are being followed.
- [A] The periodic inspection shall be performed by an authorized employee other than the one(s) utilizing the energy control procedure being inspected.
- [B] The periodic inspection shall be conducted to correct any deviations or inadequacies identified.
- [C] Where lockout is used for energy control, the periodic inspection shall include a review, between the inspector and each authorized employee, of that employee's responsibilities under the energy control procedure being inspected.
- [D] Where tagout is used for energy control, the periodic inspection shall include a review, between the inspector and each authorized and affected employee, of that employee's responsibilities under the energy control procedure being inspected, and the elements set forth in paragraph (c)(7)(ii) of this section"

Location: Establishment

Date By Which Violation Must be Abated:
Penalty:

12/21/2009
\$ 0.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of Hawaii
Department of Labor and Industrial Relations
Hawaii Occupational Safety And Health Division

Inspection Number: 313077091
Inspection Dates: 06/03/2009 - 06/03/2009
Issuance Date: 11/30/2009



Citation and Notification of Penalty

Company Name: Pleasant Travel Service dba Royal Kona Resort
Inspection Site: 75-5852 Alii Dr, Kailua Kona, HI 96740

Citation 2 Item 2 Type of Violation: **Other**

29 CFR 1910.303(b)(7)(iv) [Refer to chapter 12-89.1, HAR] was violated because:

- A) The light fixture covers were cracked and damaged.
- B) The front cover on Panel IE was rusted and corroded.

29 CFR 1910.303(b)(7)(iv) states "There shall be no damaged parts that may adversely affect safe operation or mechanical strength of the equipment, such as parts that are broken, bent, cut, or deteriorated by corrosion, chemical action, or overheating."

Location: A) Pantry Walk-in Cooler/freezer
B) Kitchen Panel IE

Date By Which Violation Must be Abated:
Penalty:

01/04/2010
\$ 0.00

Citation 2 Item 3 Type of Violation: **Other**

29 CFR 1910.303(f)(2) [Refer to chapter 12-89.1, HAR] was violated because:

The circuit breaker identification card was not legible.

29 CFR 1910.303(f)(2) states "Services, feeders, and branch circuits. Each service, feeder, and branch circuit, at its disconnecting means or overcurrent device, shall be legibly marked to indicate its purpose, unless located and arranged so the purpose is evident."

Location: Panel IE Kitchen

Date By Which Violation Must be Abated:
Penalty:

01/04/2010
\$ 0.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of Hawaii
Department of Labor and Industrial Relations
Hawaii Occupational Safety And Health Division

Inspection Number: 313077091
Inspection Dates: 06/03/2009-06/03/2009
Issuance Date: 11/30/2009



Citation and Notification of Penalty

Company Name: Pleasant Travel Service dba Royal Kona Resort
Inspection Site: 75-5852 Alii Dr, Kailua Kona, HI 96740

Citation 2 Item 4 Type of Violation: Other

29 CFR 1910.305(j)(5)(viii) [Refer to chapter 12-89.1, HAR] was violated because:

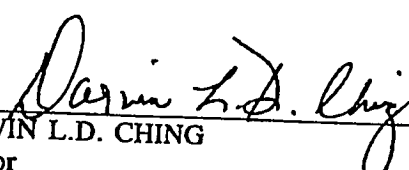
Materials were being stored in the Main Power Room.

29 CFR 1910.305(j)(5)(viii) states "Material may not be stored in transformer vaults."

Location: Lagoon Tower Main Power Room

Date By Which Violation Must be Abated:
Penalty:

12/08/2009
\$ 0.00


DARWIN L.D. CHING
Director

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Citation and Notification of Penalty

State of Hawaii

Department of Labor and Industrial Relations
HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION
830 PUNCHBOWL STREET, ROOM 425
HONOLULU, HI 96813

SUMMARY OF PENALTIES

Company Name: Pleasant Travel Service dba Royal Kona Resort
Inspection Site: 75-5852 Alii Dr, Kailua Kona, HI 96740
Issuance Date: 11/30/2009

Summary of Penalties for Inspection Number 313077091

Citation 1, Serious	= \$	4,675.00
Citation 2, Other	= \$	0.00
TOTAL PENALTIES	= \$	4,675.00

Make check or money order payable to the "Director of Budget and Finance." Please indicate the inspection number and dba, if company name is different, on the remittance. A fee of \$15.00 will be charged for any returned checks.

If receipt is desired, please indicate with payment; otherwise, your cancelled check will be your receipt.